

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**GEORGIO RODRIGUEZ SCOTT**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 2:19-cv-123-TBM-MTP**

**BILLY McGEE; OFFICER #24 JUSTIN  
GRAHAM; OFFICER #59 WILLIAM  
BURDETTE; *and* FORREST COUNTY,  
MISSISSIPPI**

**DEFENDANTS**

**MEMORANDUM OPINION AND ORDER**

This matter is before the Court on submission of the Report and Recommendation [86] entered by United States Magistrate Judge Michael T. Parker on May 16, 2022. Judge Parker recommends that Defendant William Burdette's Second Motion for Summary Judgment [83] be granted, and the Plaintiff's claim against William Burdette be dismissed with prejudice pursuant to the Prison Litigation Reform Act for failure to exhaust his administrative remedies. Judge Parker further recommends that this action continue as to the Plaintiff's deprivation of water claim against Forrest County. The parties have not filed any objections to the Report and Recommendation, and the time for filing an objection has expired.

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted); *see Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) (affirming district court's dismissal of Section 1983 claims and stating that "[w]hen a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error")


(citing *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1)); *Douglass*, 79 F.3d at 1430 (affirming district court's grant of summary judgment). Having considered Judge Myers' Report and Recommendation, the Court finds neither is clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [86] entered by United States Magistrate Judge Michael T. Parker on May 16, 2022, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED the Defendant William Burdette's Second Motion for Summary Judgment [83] is GRANTED.

IT IS FURTHER ORDERED that the Plaintiff's deprivation of water claim against Forrest County will proceed.

THIS, the 29th day of June, 2022.

  
TAYLOR B. McNEEL  
UNITED STATES DISTRICT JUDGE